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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,588	12/17/2001	Carl Kah JR.	P/3426-21	5952
2352	7590	10/12/2006		
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
			EXAMINER HWU, DAVIS D	
			ART UNIT 3752	PAPER NUMBER

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/015,588

Applicant(s)

KAH ET AL.

Examiner

Davis D. Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 35, 36, 40, 47-49, 60, 64, 65 and 67-118 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 70, 71, 80, 82, 89, 90, 94, 97, 101-103, 107 and 110-113 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/31/03, 7/24/06, 5/12/06

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims rejected are 35,36,40,47-49,60,64,65,67-69,72-79,81,83-88,91-93,95,96,98-100,104-106,108,109 and 114-118.

***Response to Amendment***

1. Applicant's amendment and arguments of August 28, 2006 are entered and have been fully considered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 35, 36, 40, 47, 98-101, and 115-118 are rejected under 35 U.S.C. 102(b) as being anticipated by Kearby et al.  
  
Kearby et al. show a sprinkler assembly comprising a nozzle housing having a flow path, the flow path having a main portion extending along a central axis of the nozzle housing and an angled portion defining a water stream outlet passage through which water exits the sprinkler exits, a nozzle 52 removably mounted in the outlet passage, a valve including a conical valve element 62 disposed in the nozzle housing flow path as recited, and actuator 66 as recited in claim 36. The use of an indicator as recited in claim 40 is well known in the art (the ON/Off displays) and carries no patentable weight.
5. Claims 35, 64, 65, 85-88, 91-93, 95, 96, and 98-100 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindermeir et al.  
  
Lindermeir et al. show a sprinkler assembly comprising a nozzle housing having a flow path, the flow path having a main portion extending along a central axis of the nozzle housing and an angled portion defining a water stream outlet passage through which

water exits the sprinkler exits, a nozzle removably mounted in the outlet passage, a valve including a conical valve element disposed in the nozzle housing flow path as recited.

6. Claims 48, 49, 60, 67-69, 72-79, 81, 83, 84, 104-106, 108, 109, and 114 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindermeir et al. Lindermeir et al. shows a sprinkler assembly comprising a nozzle housing having a central axis and a flow path, the flow path having a main portion extending along the central axis and an angled portion defining a water stream outlet passage through which water exits the sprinkler, a nozzle removable mounted in the outlet passage, and a valve disposed in the nozzle housing (column 9, line 64) operable between open and closed positions, in which parts of the valve cause substantially no obstruction or turbulence in the nozzle flow path when the valve is in a fully open position. The use of an indicator as recited in claim 72 is well known in the art (the ON/Off displays) and carries no patentable weight.

#### ***Allowable Subject Matter***

7. Claim 70, 71, 80, 82, 89, 90, 94, 97, 101-103, 107, and 110-113 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.



**DAVIS HWU**  
**PRIMARY EXAMINER**